

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS**

IN RE:)	
)	
LISA A. BURGHART,)	Case No. 03-10291
)	Chapter 7
)	
Debtor.)	
_____)	
)	
J. MICHAEL MORRIS, Trustee,)	
)	
Plaintiff,)	
)	
v.)	Adversary No. 03-5146
)	
VINCE M. BURGHART,)	
)	
)	
Defendant.)	
_____)	

PARTIAL JUDGMENT ON DECISION

This matter came before the Court on defendant Vince Burghart's motion for summary judgment on Count II of the Trustee's amended complaint alleging a fraudulent transfer under KAN. STAT. ANN. § 33-204(a)(1) (2000) of the Kansas Uniform Fraudulent Transfer Act.

The Court concludes that there are no genuine issues of material fact and that based upon the record and uncontroverted facts presented, defendant is entitled to judgment as a matter of law on the Trustee's fraudulent transfer claim. The Trustee has shown the existence of only one badge of fraud and presented no other facts from which this Court can reasonably infer that the challenged transfer was made with actual intent to hinder, delay or defraud creditors. Defendant Vince Burghart's motion is GRANTED and summary judgment is entered in favor of defendant on the Trustee's fraudulent

transfer claim. The Trustee's remaining claim for contribution will proceed to trial.

Dated this 15th day of January, 2004.

ROBERT E. NUGENT
CHIEF BANKRUPTCY JUDGE
UNITED STATES BANKRUPTCY COURT
DISTRICT OF KANSAS

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the **Partial Judgment On Decision** was deposited in the United States mail, postage prepaid on this 15th day of January, 2004, to the following:

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